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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,544	06/02/2006	Jouni Rainio	05-02-FPP US	3721
33249 7590 02/08/2008 HEXION SPECIALTY CHEMICALS, INC. 1600 SMITH STREET, P.O. BOX 4500 HOUSTON, TX 77210-4500			EXAMINER NILAND, PATRICK DENNIS	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			02/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/549,544

Applicant(s)

RAINIO, JOUNI

Examiner

Patrick D. Niland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The applicant's amendment of 9/4/07 has been entered. Claims 1-16 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/46349 Lappalainen et al..

Lappalainen discloses a foamed resin adhesive containing the instantly claimed ingredients in the instantly claimed amounts at the abstract; page 3, lines 15-32; page 4, lines 1-32, particularly 3-5, 10-12, 14-17; and the remainder of the document. The temperature of the instant claim 16 is not disclosed. However, it is not seen that this temperature makes an adhesive which is different than that described by Lappalainen. The surfactants of Lappalainen are derivatives, at least theoretically, of the compounds recited as the instantly claimed surfactants. The applicant argues "Applicant has amended independent claim 1 to further define the foaming agent.

Applicant's foaming agent does not teach the usage of a cationic acrylamide copolymer, an element that is required by Lappalainen et al." This argument is not persuasive because the instant claims do not exclude cationic acrylamide copolymer of the reference and recite "comprising" with regard to the total composition and "comprises" with regard to the foaming

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agent, which clearly encompasses the acrylamide of the prior art. This rejection is therefore maintained for the reasons stated above and the teachings of the cited prior art.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/46349 Lappalainen et al..

Lappalainen discloses a foamed resin adhesive containing the instantly claimed ingredients in the instantly claimed amounts at the abstract; page 3, lines 15-32; page 4, lines 1-32, particularly 3-5, 10-12, 14-17; and the remainder of the document. The temperature of the instant claim 16 is not disclosed. However, it is not seen that this temperature makes an adhesive which is different than that described by Lappalainen.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the instantly claimed ingredient combinations and amounts thereof because they are encompassed by the reference and would have been expected to give the properties disclosed by Lappalainen. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the instantly claimed surfactants of the instant claims because the instantly claimed surfactants are well known and commercially available surfactants which are encompassed by the generic disclosures of the reference (page 4, lines 3-5) which would have been expected to give the surface active effect required of the surfactants of the reference.

The applicant argues "Applicant has amended independent claim 1 to further define the foaming agent.

Applicant's foaming agent does not teach the usage of a cationic acrylamide copolymer, an element that is required by Lappalainen et al." This argument is not persuasive because the instant claims do not exclude cationic acrylamide copolymer of the reference and recite

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"comprising" with regard to the total composition and "comprises" with regard to the foaming agent, which clearly encompasses the acrylamide of the prior art. This rejection is therefore maintained for the reasons stated above and the teachings of the cited prior art.

The prior art composition falls within the scope of that of the instant claims for the above stated reasons. There is no showing of unexpected results of any kind in a manner commensurate in scope with the instant claims and the cited prior art. The applicant's arguments that the prior art does not teach that the currently claimed foaming agent would produce an effective and ethical adhesion composition that has the argued good properties is not supported by probative evidence that is commensurate in scope with the cited prior art. Given the similarities of the prior art compositions to those of the instant claims, it cannot be seen by the examiner that the prior art compositions do not have the argued properties and that any differences in properties are unexpected. This rejection is therefore maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

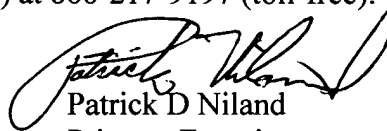
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick D. Niland whose telephone number is 571-272-1121. The examiner can normally be reached on Monday to Thursday from 10 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patrick D Niland  
Primary Examiner  
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